

AMENDED IN ASSEMBLY JANUARY 14, 2008

AMENDED IN ASSEMBLY JANUARY 7, 2008

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1604

Introduced by Assembly Member Caballero Parra
(Principal coauthors: Assembly Members Nunez and Villines)

February 23, 2007

~~An act to add Article 19 (commencing with Section 13195) to Chapter 2 of Division 7 of the Food and Agricultural Code, relating to fumigant alternatives. An act to amend Sections 35781, 35861, and 35891 of the Food and Agricultural Code, relating to milk.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1604, as amended, ~~Caballero Parra. Pesticides: soil fumigant alternatives. Market milk: raw milk: standards.~~

Existing law prohibits market milk to contain, among other things, more than 10 coliform bacteria per milliliter if it is to be sold as raw milk to the consumer.

This bill would delete that microbial standard.

Existing law provides that guaranteed raw milk and grade A raw milk are both market milk which conform to certain specified minimum requirements, including, among others, that it be cooled, as specified, and so maintained until it is delivered to the consumer, at which time it is to contain no more than a certain amount of bacteria per milliliter or more than 10 coliform bacteria per milliliter.

This bill would delete the requirement relating to coliform bacteria from these standards.

~~Existing law provides that the Department of Pesticide Regulation has primary responsibility for enforcing pesticide laws and regulations, and maintains various programs to promote health and prevent disease.~~

~~This bill would set forth specified legislative findings and declarations regarding agriculture, soil fumigant chemicals, and research into chemical and nonchemical alternatives to currently used soil fumigants.~~

~~This bill would require the department, to the extent funds are available, to collaborate with specified entities to produce a Soil Fumigant Alternatives Report for the Legislature by January 1, 2010. The report would be required to include surveys of research and implementation of nonchemical and chemical alternatives to current practices and an evaluation of which areas of research show the most promise for implementation.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 35781 of the Food and Agricultural Code*
2 *is amended to read:*
3 35781. (a) Except as otherwise provided in this article, market
4 milk shall not contain any of the following:
5 (1) More than 15,000 bacteria per milliliter ~~or more than 10~~
6 ~~coliform bacteria per milliliter~~ if to be sold as raw milk to the
7 consumer.
8 (2) More than 50,000 bacteria per milliliter if to be sold as raw
9 milk for pasteurization or more than 750 bacteria per milliliter
10 after having been subjected to laboratory pasteurization which has
11 a time-temperature equivalent to that required in Section 34001
12 before pasteurization.
13 (3) More than 15,000 bacteria per milliliter or more than 10
14 coliform bacteria per milliliter at time of delivery to the consumer,
15 if pasteurized.
16 (4) More than 750 coliform bacteria per milliliter in raw milk
17 for pasteurization. Samples shall be taken while the milk is on the
18 premises of the producer.
19 (5) More than 800,000 somatic cells per milliliter, as determined
20 by direct microscopic somatic cell count, electronic somatic cell
21 count, or optical somatic cell count. After January 1, 1990, the
22 maximum somatic cell count shall be 600,000 somatic cells per

1 milliliter, as determined by the methods specified in this paragraph.
2 This paragraph does not apply to market goat milk.

3 (b) The director may, by regulation, require different standards
4 for raw market milk for pasteurization from the standards in this
5 section if he or she determines, after an administrative hearing,
6 that the standards are necessary to protect or improve milk quality.

7 *SEC. 2. Section 35861 of the Food and Agricultural Code is*
8 *amended to read:*

9 35861. Guaranteed raw milk is market milk which conforms
10 to all of the following minimum requirements:

11 (a) The health of the cows and goats shall be determined at least
12 once each month by an official representative of an approved milk
13 inspection service, or a milk inspection service which is established
14 by the director.

15 (b) It shall be produced on dairy farms which score not less than
16 90 percent on the dairy farm scorecard.

17 (c) It shall be bottled on the premises where produced and
18 delivered in containers which have the pouring lip completely
19 protected from contamination.

20 (d) It shall be cooled as provided in Section 35782, and so
21 maintained until it is delivered to the consumer, at which time it
22 shall contain not more than 10,000 bacteria per milliliter ~~or not~~
23 ~~more than 10 coliform bacteria per milliliter.~~

24 (e) It shall be sold to the consumer within 30 hours after
25 production and labeled to indicate the date of sale to the consumer.

26 *SEC. 3. Section 35891 of the Food and Agricultural Code is*
27 *amended to read:*

28 35891. Grade A raw milk is market milk which conforms to
29 all the following minimum requirements:

30 (a) The health of the cows and goats shall be determined at least
31 once in two months by an official representative of an approved
32 milk inspection service, or a milk inspection service which is
33 established by the director.

34 (b) It shall be produced on dairy farms that score not less than
35 90 percent on the dairy farm scorecard.

36 (c) It shall be cooled as provided in Section 35782 and so
37 maintained until delivered to the consumer, at which time it shall
38 contain not more than 15,000 bacteria per milliliter ~~or more than~~
39 ~~10 coliform bacteria per milliliter.~~

1 ~~SECTION 1. Article 19 (commencing with Section 13195) is~~
2 ~~added to Chapter 2 of Division 7 of the Food and Agricultural~~
3 ~~Code, to read:~~

4
5 ~~Article 19. Soil Fumigant Alternatives~~
6

7 ~~13195. The Legislature finds and declares all of the following:~~
8 ~~(a) Agriculture is a vitally important part of the California~~
9 ~~economy, worth approximately \$30 billion annually.~~

10 ~~(b) Key portions of that agricultural economy currently rely on~~
11 ~~the use of soil fumigant chemicals to control soil-borne pests and~~
12 ~~diseases.~~

13 ~~(c) Current or pending international treaties and federal and~~
14 ~~state regulations will require that growers significantly reduce or~~
15 ~~eliminate their reliance upon currently used soil fumigants.~~

16 ~~(d) Research and experimentation into chemical and~~
17 ~~nonchemical alternatives to the current generation of soil fumigants~~
18 ~~have been conducted for a number of years by federal and state~~
19 ~~agencies, agricultural industry groups, the University of California~~
20 ~~and other academic institutions, and numerous individual growers.~~

21 ~~(e) As the need for rapid development and deployment of safe~~
22 ~~and effective alternatives to currently used soil fumigants becomes~~
23 ~~more urgent, it is vital that the Legislature have before it a~~
24 ~~comprehensive survey of this research and experimentation on~~
25 ~~alternatives, along with an evaluation from the Department of~~
26 ~~Pesticide Regulation of what avenues of further work show the~~
27 ~~most promise and recommendations on how best to prioritize~~
28 ~~funding and legislation in order to sustain important segments of~~
29 ~~California agriculture while also achieving the environmental and~~
30 ~~public health goals set by current or pending regulations.~~

31 ~~13196. (a) The Department of Pesticide Regulation shall~~
32 ~~produce a Soil Fumigant Alternatives Report for the Legislature.~~
33 ~~The department shall work in collaboration with the Department~~
34 ~~of Food and Agriculture, and shall request the collaboration of the~~
35 ~~University of California and the appropriate federal agencies, to~~
36 ~~produce the report. The report shall include, but is not limited to,~~
37 ~~all of the following:~~

38 ~~(1) A survey of research and implementation of nonchemical~~
39 ~~alternatives to soil fumigant use, including, but not limited to,~~

1 ~~organic practices, that shall include assessments of the relative~~
2 ~~success of these alternatives:~~

3 ~~(2) A survey of research and implementation of chemical~~
4 ~~alternatives to currently used soil fumigants that shall include~~
5 ~~assessments of the relative success of these alternatives:~~

6 ~~(3) A survey of research on development of less~~
7 ~~fumigant-dependent strains of crops whose current cultivation~~
8 ~~includes significant use of soil fumigants:~~

9 ~~(4) An evaluation of which areas of research show the most~~
10 ~~promise for both short-term and long-term effectiveness and~~
11 ~~implementation, and recommendations to the Legislature on~~
12 ~~funding and regulatory priorities based on that evaluation:~~

13 ~~(b) On or before January 1, 2010, the department shall prepare~~
14 ~~and provide the report to the Senate Committee on Agriculture,~~
15 ~~the Senate Committee on Environmental Quality, the Assembly~~
16 ~~Committee on Agriculture, and the Assembly Committee on~~
17 ~~Environmental Safety and Toxic Materials:~~

18 ~~(e) The department shall implement this section only to the~~
19 ~~extent that funds are available for its implementation:~~